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DD/A Registry
83-0732/1

ROUTING AND RECORD SHEET

SUBJECT: (Optional)
NSDD No. 84 - Existing Policies and Implementation - Central Intelligence Agency

FROM:
Director of Security
4E-60, Hdqs.

EXTENSION

NO. 25X1

DATE 7 APR 1983 25X1

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. DDA 7D-24, Hdqs.				DD/A REGISTRY FILE: 10-1
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FORM 1-79 610 USE PREVIOUS EDITIONS

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Registry
83-0732/1

ROUTING AND RECORD SHEET

SUBJECT: (Optional)
NSDD No. 84 - Existing Policies and Implementation - Central Intelligence Agency

FROM: Harry E. Fitzwater
DDA
7D-24, Hdqs.

EXTENSION

NO.

DATE
7 APR 1983

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. Assoc. General Counsel for Administrative Law 7C-36, Hdqs.				This memorandum is for your information and is intended to show that the Central Intelligence Agency is, except as highlighted, in compliance with the various requirements of National Security Decision Directive No. 84, dated 11 March 1983, concerning Safeguarding National Security Information. In accordance with his wishes, Mr. Kenneth de Graffenreid of the National Security Council, was advised on 25 March 1983 that Agency regulatory issuances have been reviewed, and that our assessment at that time was that we meet the requirements of NSDD No. 84. Following our discussions on 31 March 1983 with [redacted] 25X1 [redacted] 25X1 Associate General Counsel for Administrative Law, we plan to ask Mr. de Graffenreid to obtain an NSC legal opinion as to whether the cited exceptions fall within the intent of the President's Directive.
2.				
3. Executive Director 7E-12, Hdqs.				
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5. A/DCI 7E-12, Hdqs.				
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[redacted] 25X1

Harry E. Fitzwater

FORM 1-79 610 USE PREVIOUS EDITIONS

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MEMORANDUM FOR: Acting Director of Central Intelligence

VIA: Executive Director
Associate General Counsel for
Administrative Law Division

FROM: Harry E. Fitzwater
Deputy Director for Administration

SUBJECT: National Security Decision Directive No. 84 -
Existing Policies and Implementation -
Central Intelligence Agency [redacted] 25X1

1. The regulatory issuances of the Central Intelligence Agency have been reviewed to determine their applicability to the implementation of National Security Decision Directive No. 84 - Safeguarding National Security Information, dated 11 March 1983. The regulations cited below are applicable and, except as highlighted below, appear to place the Agency in compliance with NSDD No. 84:

° NSDD-84, paragraph 1.a., requires that "All persons with authorized access to classified information shall be required to sign a non-disclosure agreement as a condition of access."

[redacted] 25X1
25X1

Headquarters Regulation [redacted] Secrecy Agreements, sets forth policy, responsibilities and procedures governing the execution of secrecy agreements by Agency personnel and associates. Agency secrecy agreements are drafted, reviewed and approved by the Agency's Office of General Counsel, in coordination with the Director of Security, or when cryptographic clearances are involved, with the Director of Communications. With the few exceptions noted in paragraph b of [redacted] a secrecy agreement must be executed by all persons who "require access to classified or classifiable information or material; may be exposed to classified or classifiable information or material by virtue of unescorted access to Agency facilities." The exceptions specifically exempt members of Congress, employees and officials of the

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[redacted] 25X1

[redacted]

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Executive Branch approved by the Director of Security as CIA liaison contacts, Federal or State judges, magistrates or similar judicial officers acting in their official capacities, foreign liaison officers and those whose signing of such secrecy agreements is determined by the Director of Security to be precluded by operational considerations or otherwise not in the best interests of the Agency. The Office of Security plans to contact Mr. Kenneth de Graffenreid, National Security Council Intelligence Staff, to determine whether the exceptions cited are considered to be within the intent of NSDD No. 84. 25X1

° NSDD No. 84, paragraph 1.b., requires that "All persons with authorized access to Sensitive Compartmented Information (SCI) shall be required to sign a nondisclosure agreement as a condition of access to SCI and other classified information." 25X1

Agency policy with respect to SCI nondisclosure agreements is governed by Director of Central Intelligence "Security Policy Manual for SCI Control Systems," published by the DCI Security Committee on 28 June 1982. In accordance with that manual, the CIA requires that its employees and associates with authorized access sign a Form 4193, "Sensitive Compartmented Information Nondisclosure Agreement." The agreement contains a prepublication review provision which, at this time, applies only to SCI materials. The Agency's Office of General Counsel is considering with the ISOO what action should be taken to have collateral classified information included in the prepublication agreement. 25X1

° NSDD No. 84, paragraph 1.c., requires that "All agreements required . . . must be in a form determined by the Department of Justice to be enforceable in a civil action brought by the United States." The same paragraph directs that the Director, Information Security Oversight Office (ISOO), "shall develop standardized forms that satisfy these requirements." 25X1

The enforceability of Agency secrecy agreements for collateral classified materials has been demonstrated in the Frank Snepp case. 25X1

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The Form 4193, SCI Nondisclosure Agreement, was fully coordinated between CIA and the Department of Justice while under development. It is believed to be enforceable in a civil action brought by the United States. 25X1

The matter of standardizing the Form 4193 for use by all U. S. Government agencies is currently under review by the ISOO. 25X1

Current CIA-unique secrecy agreements do, either specifically or by reference, contain the provisions required by NSDD No. 84. We are prepared to cooperate with the ISOO in its efforts to develop standardized forms. 25X1

° NSDD No. 84, paragraph 1.d., requires that "Appropriate policies shall be adopted to govern contacts between media representatives and Agency personnel . . ." and that "All persons with authorized access to classified information shall be clearly apprised of the Agency policies in this regard." 25X1

Release of Agency Information to Representatives of the Public Information Media, establishes the Public Affairs Division, Office of External Affairs, as the CIA's focal point for all media inquiries. It directs that classified information will under no circumstances be revealed to the public. The Office of Security is provided with copies of all reports of contacts with the media. 25X1

, Nonofficial Publications and Oral Presentations by Employees and Former Employees, establishes a Publications Review Board, and policies and procedures for review of nonofficial publications and oral presentations by employees and former employees of this Agency. 25X1

Media Briefings, authorizes only unclassified media briefings, and insists on prior Agency review of the materials to be presented. 25X1

Appearances of Agency Personnel Before Non-government Groups, is equally specific that all presentations must be reviewed in advance and will be unclassified in nature. 25X1

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Headquarters Handbook 7-1, Handbook of Required Regulatory Readings, is required reading for all Agency employees when they enter on duty, and annually each October thereafter. It contains specific guidance on Agency security regulations, and includes guidance regarding contacts between Agency personnel and the press. [redacted] 25X1

° NSDD No. 84, paragraph 2, requires that each agency of the Executive Branch that originates or handles classified information ". . . shall adopt internal procedures to govern the reporting and investigation of unauthorized disclosures of such information." [redacted] 25X1

[redacted] 25X1 Compliance With Security Regulations, prescribes CIA policy for such compliance, and defines and identifies responsibilities for investigating and reporting violations. The regulation also specifies penalties which may be imposed. The policy exceeds the minimums called for in paragraphs 2.a. through 2.e. of NSDD No. 84. [redacted] 25X1

The Office of Security has also prepared and coordinated with the Office of General Counsel a proposed Agency regulation on damage assessments. The regulation will provide additional guidance on implementation of the provisions of Executive Order 12356 as they relate to loss or compromise of national security information. [redacted] 25X1

° NSDD No. 84, paragraph 3, requires that "Unauthorized disclosures of classified information shall be reported to the Department of Justice and the Information Security Oversight Office, as required by statute and Executive Orders." [redacted] 25X1

[redacted] 25X1 Compliance With Security Regulations, specifies that appropriate cases will be forwarded to the Department of Justice by the CIA's General Counsel for prosecution under the espionage laws and other pertinent statutes. The Agency also has in force a reporting agreement with the ISOO. We are committed to compliance with statutes and Executive Orders. [redacted] 25X1

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° NSDD No. 84, paragraph 5, requires departments and agencies to revise their regulations ". . . so that employees may be required to submit to polygraph examinations, when appropriate, in the course of investigations of unauthorized disclosures of classified information." 25X1

25X1 Polygraph, sets forth the CIA's policies, responsibilities and procedures with respect to personnel employed by, assigned to or detailed to the Agency in a staff status, or whose Agency affiliation gives them staff-like access to Agency facilities, operations or information. Included, also, are applicants or candidates for such positions or affiliation. The Agency is already in full compliance with paragraph 5 of NSDD No. 84. 25X1

° NSDD No. 84, paragraph 6, requests that the Attorney General, in consultation with the Director, Office of Personnel Management, ". . . establish an interdepartmental group to study the Federal Personnel Security Program and recommend appropriate revisions in existing Executive Orders, regulations and guidelines." 25X1

The Office of Security has designated a senior officer to represent the Agency in this effort has passed his name to the National Security Council. Legal counsel, as necessary, will be provided by the Office of General Counsel. 25X1

2. Attached, for your reference, and appearing in the order in which they are mentioned, are the nondisclosure agreements and extracts of the Agency regulations cited in this memorandum. 25X1

3. The Policy and Plans Group of the Office of Security has been designated focal point for matters relating to NSDD No. 84. They may be contacted on black line or red line 25X1 25X1

Signed James H. McDonald

/s/ Harry E. Fitzwater
Deputy Director
for
Administration

Attachments

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SUBJECT National Security Decision Directive No. 84 -
Existing Policies and Implementation -
Central Intelligence Agency

Distribution:
Orig - Adse
1 - ExDir
1 - ER
1 - OGC
1 - D/Security
2 - DDA

ORIGINATOR:

[redacted] 25X1

6 April 1983
Date

Director of Security

Approved For Release 2008/07/08 : CIA-RDP85B01152R000100070078-7